

SEARCH WARRANT ON WRITTEN AFFIDAVIT

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12.3.5406

United States District Court		DISTRICT WESTERN DISTRICT OF WASHINGTON	
UNITED STATES OF AMERICA v. THE PIONEER CONSTRUCTION MATERIALS COMPANY, A DIVISION OF RIEDEL INTERNATIONAL, INC.		DOCKET NO.	MAGISTRATE'S CASE NO. 86-27411-01
		TO: Gerd Hattwig, Special Agent U.S. Environmental Protection Agency, and Special Deputy United States Marshal (or any other authorized agent).	

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that ~~(on the person of)~~ (on the premises known as) The Lake Union ready-mix concrete plant of the Pioneer Construction Materials Company, a division of Riedel International, Inc., a multi-acre industrial facility located at 901 Fairview Avenue North, Seattle, Washington. The Pioneer Construction Materials facility is clearly identified as such by a large sign. This sign is located by the main entrance on the west side of the property. This property is bordered on the south side by a two-story office building, which also forms a part of the western border along with the western entrance gate and a fence which ends to the north at the water's edge of Lake Union. Lake Union then forms the rest of the western, northern, and eastern border of this property, as part of the plant (a loading pier) is built into Lake Union. A fence to the water's edge forms the rest of the eastern boundary and a truck gate and a section of chain link fence on the south side of the plant complete the boundary. Both entrances to the plant and the plant are clearly marked with signs identifying it as Pioneer Construction Materials Company.

The facility consists of a main cement plant, an attached two story office building and several other detached buildings, including a small, two story office-type building at the approximate center of the property. Affixed to the main cement plant are a number of large tower-like structures and a water tower. Near the northern boundary are waste storage lagoons or settling tanks built out into Lake Union and attached to the bulkhead. There are also conveyor belts and piping connecting various structures. On and in this facility in the Western District of Washington, there is now certain property, to which the affiant and other employees of the United States Environmental Protection Agency seek access for the purpose of (1) inspecting and photographing facilities, devices and materials, (2) sampling raw materials and process and waste waters; (3) seizure of documentary evidence, these items of property further described in the attached Property List (Attachment B).

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s),

YOU ARE HEREBY COMMANDED to search on or before October 19, 1986  
(not to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night)\* and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to a U.S. Magistrate  
as required by law. U.S. Judge or Magistrate

NAME OF AFFIANT GERD HATTWIG, Special Agent & Special Deputy U.S. Marshal	SIGNATURE OF JUDGE** OR US MAGISTRATE PHILIP K. SWEIGERT	DATE/TIME ISSUED
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\*If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure Rule 41(c), show reasonable cause therefor.

\*\*United States Judge or Justice of a State Court of Record

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RETURN

DATE WARRANT RECEIVED

DATE AND TIME WARRANT EXECUTED

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

INVENTORY MADE IN THE PRESENCE OF

INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT

A CERTIFIED COPY

9 October 1986

COPY ORIGINAL  
SIGNED

PHILIP K. SHEPHERD

U. S. MAGISTRATE  
WESTERN DISTRICT OF WASHINGTON

CERTIFICATION

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S. Judge or Magistrate

Date

ATTACHMENT B

Property List

1. SAMPLING AND INSPECTION: all raw material and waste and waste water storage, treatment, and disposal areas, including those containing cement and concrete raw materials, concrete production final products, concrete production byproducts and wastes, concrete production equipment cleaning solutions (unused and waste); all concrete production and related waste disposal equipment and devices, including tanks, vats, lagoons, manholes, pipes, drains, trenches, conduits, valves and waste material land application areas and equipment, and affiliated structures (buildings) housing the same; all general equipment used in concrete production, including returning (mostly) empty Pioneer and Glacier Sand and Gravel trucks present on the facility during the time of execution of this warrant; soil, water, and waste liquids, and other natural or man-made materials in the vicinity of the areas and devices referred to above.

2. PHOTOGRAPHY: all structures, buildings, offices, piping, equipment, and other areas of the Pioneer Lake Union plant.

3. DOCUMENTS AND FILES: all sorts, including books, records, computer disks, other storage media, or printouts including but not limited to the following;

a. Documents indicating the name, addresses, and telephone numbers of all company employees and all documents

which contain job descriptions or other material defining the nature and scope of each employee's responsibilities, and records which show time and attendance of said employees, including time cards, or other such records reflecting employment history, such records to include those of former employees no longer currently employed by the company;

b. All records for cleaning operations involved in concrete production and sale;

c. All documents indicating the chemical constituents and physical properties of concrete production raw materials, cleaners, and related waste, including but not limited to animal and plant studies, laboratory analyses, formulas, recipe books, production labels, chemical indexes and manuals, manufacturers' descriptive literature, safety literature and employee precautions;

d. Any documents, correspondence, notes, or memoranda concerning communications by or between (1) officials and employees of Riedel International, Inc., and its division, Pioneer Construction Materials (and Glacier Sand and Gravel) or Lone Star Industries, Inc., or (2) these company officials and employees and federal, state and local environmental, health, and industrial waste water treatment agencies which in any way relate to concrete production wastes, concrete production cleaning materials and the disposal of these wastes;

e. Documents and files demonstrating knowledge on the part of corporate officers and employees of the nature of the

materials handled at Pioneer Construction Materials Co. and/or of laws regulating their disposal and use;

f. Documents, correspondence, notes, and memoranda concerning citizen complaints to Pioneer Construction Materials Co., Lone Star Industries, Inc., about waste discharge;

g. Any documents relating to contracts with any transporter, treater, or disposer for the handling of concrete production waste materials;

h. Maps, sketches or other schematics of plumbing, trenches, production lines, discharge systems and pipes or cooling water systems, and records of modifications, construction or renovation of plumbing or piping including contracts, bills, payments and letters to or from contractors;

i. Records, flow meter charts, log books, and discharge monitoring notes, laboratory analyses and notebooks, and other documents concerning quantities, rates, and constituents of waste water discharge (both directly to Lake Union and to the sanitary sewer);

j. Records, logs, tallies or other documents reflecting accumulation rates for wastes;

k. Records, logs, tally sheets or other documents concerning concrete production quantities;

l. Facility or driver concrete truck trip log sheets and other records of use and cleaning of cement and concrete trucks owned and/or operated by Pioneer Construction Materials

Co. and Glacier Sand and Gravel Co., operated out of the Pioneer Lake Union facility;

m. Night watchman logs, records, or reports containing reference to waste water valve operation, waste discharge, equipment monitoring, and night crew employee attendance;

n. Documents reflecting the purchases, uses, and disposal of any acids at Pioneer Construction Materials Co.;

o. Documents explaining operation of any computer system containing any of the above information.